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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 MARK ROGERS,

9 Petitioner,

3:02-cv-00342-GMN-VPC

10 vs.

ORDER

11 TIMOTHY FILSON, *et al.*,

12 Respondents.
13 _____/

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15 This capital habeas corpus action is on remand from the court of appeals. On April 25, 2016,
16 the petitioner, Mark Rogers, filed his brief, setting forth his position with respect to the issues to be
17 addressed on remand (ECF No. 174). Rogers also filed a motion for evidentiary hearing (ECF No.
18 175). On September 12, 2016, respondents filed their responsive brief on the merits of Rogers'
19 claims (ECF No. 189), and a response to Rogers' motion for evidentiary hearing (ECF No. 190).

20 Rogers' reply brief regarding the issues on remand and his reply in support of his motion for
21 evidentiary hearing are now due on October 17, 2016. *See* Order entered August 25, 2015 (ECF No.
22 167); Fed. R. Civ. P. 6(d) (adding three days when the document to be responded to is served by
23 electronic means); Fed. R. Civ. P. 6(a)(1)(C) (deadline falling on weekend).

24 On October 12, 2016, Rogers filed a motion for extension of time (ECF No. 191), requesting
25 an extension of time to December 12, 2016 -- a 56-day extension of time. Rogers' counsel states that
26 the extension of time is necessary because of his obligations in other cases. The court finds that the

1 motion for extension of time is made in good faith and not solely for the purpose of delay, and that
2 there is good cause for the extension of time requested.

3 **IT IS THEREFORE ORDERED** that petitioner's motion for extension of time (ECF No.
4 191) is **GRANTED**. Petitioner shall have until and including **December 12, 2016**, to file his reply
5 brief regarding the issues on remand and his reply in support of his motion for evidentiary hearing.

6 **IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure 25(d), the
7 Clerk of the Court shall substitute Timothy Filson for Renee Baker, on the docket for this case, as the
8 respondent warden, and shall update the caption of the action to reflect that change.

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10 Dated this 17 day of October, 2016.

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14 UNITED STATES DISTRICT JUDGE
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